

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:02-cr-0121-SEB-TAB
)	
PAUL NEWTON,)	- 01
)	
Defendant.)	

REPORT AND RECOMMENDATION

On September 12, 2018, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on August 10, 2018. Defendant Newton appeared in person with his appointed counsel Joseph Cleary. The government appeared by , Assistant United States Attorney Michelle Brady. U. S. Parole and Probation appeared by Officer Troy Adamson.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Newton of his rights and provided him with a copy of the petition. Defendant Newton orally waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Newton admitted violations 1, and 3.
[Docket No. 153.]
3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

**Violation
Number**

Nature of Noncompliance

- 1 **“The defendant shall refrain from any unlawful use of a controlled substance.”**

On July 26, 2018, Mr. Newton provided a urine specimen which tested positive for cocaine. He admitted using cocaine.

As previously reported to the Court, the offender tested positive for cocaine on October 1, 2017, and March 21, 2018. He admitted using cocaine on both occasions. On September 3, 2016, the offender provided a urine specimen which tested positive for Opiates. Mr. Newton denied using any illegal drugs or any non-prescribed medication. The specimen was sent to Alere Laboratory for confirmation, which revealed a positive result for morphine.

- 3 **“The defendant shall not commit another federal, state or local crime.”**

As previously reported to the Court, on July 3, 2016, Mr. Newton was arrested by the Indianapolis Metro Police Department for Operating a Vehicle While Intoxicated Endangering a Person, Leaving the Scene of an Accident, Operating a Motor Vehicle Without Ever Receiving a License. The case was decided July 19, 2018, in Marion County Superior Court 8 under Cause Number 49G08-1607-CM-025589. He was sentenced to 5 days in jail, time served, and 360 days probation. The conviction of Operating a Vehicle While Intoxicated Endangering a Person is an A misdemeanor. Counts 2-3 were dismissed.

4. The government moved to dismiss violation 2 and the same granted.

5. The parties stipulated that:

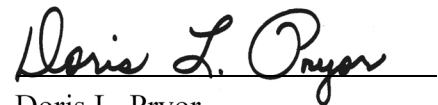
- (a) The highest grade of violation is a Grade B violation.
- (b) Defendant’s criminal history category is V.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 18 to 24 months’ imprisonment.

6. Parties jointly recommended a sentence of fifteen (15) months with no supervised release to follow. Defendant requested placement at the closest medical facility to Indianapolis, Indiana.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of fifteen (15) months with no supervised release to follow. The Defendant is to be taken into custody immediately pending the District Judge's action on this Report and Recommendation. The Magistrate Judge will make a recommendation of placement at the closest medical facility to Indianapolis, Indiana.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties have fourteen days after being served a copy of this Report and Recommendation to serve and file written objections with the District Judge.

Date: 9/19/2018


Doris L. Pryor
United States Magistrate Judge
Southern District of Indiana

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